

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CRYSTAL GOOD, et al.,

Plaintiffs,

v.

**WEST VIRGINIA-AMERICAN WATER
COMPANY, et al.,**

Defendants.

Case No.: 2:14-CV-01374

Hon. John T. Copenhaver, Jr.

Consolidated with:

Case No. 2:14-11011

Case No. 2:14-13164

Case No. 2:14-13454

MOTION FOR DISBURSEMENT OF REMAINING ATTORNEYS' FEES

Counsel for Plaintiffs respectfully ask the Court to disburse the remaining attorneys' fees in this case.

By Order dated June 6, 2019, the Court found that attorneys' fees of \$6.7 million, an amount agreed upon by the parties, was fair and equitable. The Court further directed the Settlement Administrator to distribute the fees in two tranches, 75% at that time and the remaining 25% at the end of the matter, "upon final distribution of payments to eligible class members."

Since that time, over 2000 Contingent Fund claims have been paid. Only 3 claims remain to be finally determined by the Appeal Adjudicator. Several of the recently-determined claims have final claim values established, with no appeal options remaining, and are awaiting lien

resolution before a final amount can be distributed to the claimant. The lien resolution vendor is currently engaged with CMS to obtain a final status determination on those three claims. As the Court is aware, these lien resolutions will occur without input from Class Counsel.

The remaining three claims are all currently before the appeal adjudicator. Consistent with the terms of the amended settlement agreement and distribution protocols, the decision of the appeal adjudicator will be final. One or more of the remaining claims, once final claim values have been determined, may also need lien resolution.

In short, the process the Court put in place is working. These few remaining payments will be automatically made once the adjudications and lien issues are finished. While all involved in the case expected it to be concluded by now, none of these remaining payments will require additional effort or monitoring on the part of the undersigned Class Counsel. Apart from deciding with the Court's guidance the fate of remainder funds, the payments to claimants are now going to be made with no further input from Class Counsel.

Accordingly, and mindful of the uncertainties and delays facing all of us as courts and businesses curtail operations in efforts to slow the spread of the Coronavirus, the undersigned respectfully ask the Court to construe or modify its previous order to permit the disbursement now by the Settlement Administrator of the remaining 25% of the attorney fees in this case, or \$1,675,000. Counsel reached out and understand that West Virginia-American Water Co. takes no position on this motion.

CRYSTAL GOOD, et al.

By Counsel

/s/Benjamin L. Bailey

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CERTIFICATE OF SERVICE

The undersigned counsel for Plaintiffs hereby certifies that on March 16, 2020, the foregoing **Motion for Disbursement of Remaining Attorneys' Fees** was served on all counsel of record through the CM/ECF system which will send notification of the filing to all counsel of record.

/s/Benjamin L. Bailey